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ABSTRACT

Designed for use with the student text, "Into Your Hands His Life and Liberty. A Collection of Significant Cases from the Rhode Island Courts," this teachers' guide presents activities, lesson strategies, related activities, court decisions, and additional questions. The cases, dating from Roger Williams to the 1970s, examine religious freedom, personal freedom, treason, robbery, murder, and drug possession. A Rhode Island legal time line, a listing of further resources and places, and reminiscences from the Rhode Island Bar Association conclude the guide. (RJC)

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JOHN O MATTSON

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

RESOURCE BOOK FOR TEACHERS FOR USE WITH "...INTO YOUR HANDS HIS LIFE AND LIBERTY..." A CASEBOOK ABOUT THE RHODE ISLAND COURTS

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TO THE TEACHER

The cases in the book were not chosen for their sensational aspects, but rather because they are cases pled before the Rhode Island courts and because they offer a variety of implementations in the classroom.

All, of course, might be discussed from the point of view of the Rhode Island and United States Constitutions. Roger Williams and Verin might be studied in terms of religious freedom, separation of church and state or husband/wife, citizen/government relationships. Eleanor Eldridge could be used to examine the rights of the consumer/land-owner, or the wisdom of someone representing himself/herself before the court. Of course, in the cases of Eleanor, Robert Cline and Mrs. Verin, classes might examine the situation of minorities in the legal system. In the cases of Cline and John Doe, there might be study of search and seizure, rights of the accused, as well as examination of the appellate system. For Cline, Doe and Dorr classes might examine also weight of evidence, testimony and jury selection or proceeding without a jury. In Cline, Dorr and Gordon there are the system of "Voir Dire" and the judge's instructions to the jury. Finally, with Gordon and Cline, there is the on going concern in the country about the death penalty.

The activities listed for your students are offered as suggestions. Perhaps they will provide you and your students some alternate directions of study. The time lines are also limited, but again offer directions.

DEL

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THE JUDGMENT AND SENTENCE:

ROGER WILLIAMS ET AL V. JOSHUA VERIN

The Town Meeting decided that the Verins were wrong. When Joshua did not attend services, the town did not bother him. But when he did not allow his wife to pray with the other people of the town, they felt he was wrong. They felt that the Verins were not good Christians because neither one attended nightly services of prayer. Mrs. Verin did obey her husband as she should, but her first responsibility was to pray with the other people in the town, whenever the group determined that prayer was necessary.

The people told Joshua Verin again that he must allow his wife to attend the meetings. If he refused to do so, he would lose his right to vote on any matter before the town meeting. He lost one of his liberties for denying his wife her liberty. He could regain this liberty if he would allow her to attend services. Joshua and Jane Verin were no longer citizens of Providence Town.

POSTSCRIPT:

Not many weeks later, Joshua and Jane Verin left Providence and returned to Salem, Massachusetts Bay Colony. There they would practice their religion as they wished. No other such cases exist on town records.

1783 GENERAL ASSEMBLY ADMITS ROMAN CATHOLICS TO RIGHTS OF CITIZENSHIP
1789 JEWS AND NON-CATHOLICS GIVEN RIGHTS OF FREEDMEN OF COLONY.

DECISION OF THE COURT:

ELEANOR ELDRIDGE V. SHERIFF OF PROVIDENCE

The DEFENSE said that they were not yet prepared and asked for a postponement. At the same time, Mr. B's brother approached her and said that he would reconsider and give her time to raise enough money to buy back her house at a low cost. A friend came to Eleanor's help and helped her to write ELEANOR'S BOOK and ELEANOR'S SECOND BOOK. Ladies of Providence helped to have the books printed and traveled with Eleanor around New England, New York, and Pennsylvania lecturing and selling copies of the book. Another gentleman also gave Eleanor money to help regain her property.

The day that the case was heard in court Eleanor was seen going to work, whitewashing fences off Broadway.

AFTERMATH:

Eleanor was listed in the Providence Directory as one of the wealthiest Negro landholders. Her property at Spring Street alone was valued at $4,000.

A short time after this incident George Eldridge was put into the East Greenwich jail. He was put into jail for horsewhipping "...and barbarously treating..." a man on the highway. Eleanor went to the hearing and paid $500 for his release and said that "...she could pay many times that amount if needed..."

Eleanor represented George before the Circuit Court judge and won his release.

When she died in Providence about 30 years later, Eleanor had acquired more property and houses. She had put together a good deal of money and died a fairly wealthy woman of the time.

1845 BLACKS IN PROVIDENCE OWN AN AVERAGE OF $4,000 IN PROPERTY
1883 AUTOBIOGRAPHY OF REV. WILLIAM BROWN TELLS ABOUT LIVES OF BLACKS IN RHODE ISLAND IN EARLY 1890'S.

DECISION OF THE JURY:

STATE OF RHODE ISLAND V. THOMAS WILSON DORR

"Gentlemen, how do you find the defendant?"

"Guilty."

"The prisoner is remanded to the custody of the Sheriff."

JUROR: "There was nothing for us to do...the Court made everything plain for us."

JUROR: "We agreed on the verdict immediately; but we remained out, so that the crown might disperse to their homes."

AFTERMATH:

By May 15, Mr. Turner had filed an appeal to the sentence and a list of seventeen exceptions to the judgment. He listed several arguments about particular jurors. He noted that Joseph Paddock and William Melville had on several occasions declared Dorr guilty. Turner had witnesses to this stated opinions. He commented that the defendant had no knowledge of these statements until after the jury was assembled.

JUSTICE DURFEE: "Although the opinions of the court are not yet written, we do agree that the motion for a new trial is overruled."

TURNER: "The motion is based on a trial in Newport, not in Providence."

DORR: "At this place of trial all but one of the jury are freeholders, 108, men of the opposite party of the State."

The single democratic juror is dismissed.

"Therefore the sentence should not be pronounced against me."

JUDGE DURFEE: "There is only one question here whether the defendant intended to do the acts which he performed."

DORR: "This sentence condemns the doctrine of '76."

The record of the trial has two appendices. The first is an act of the General Assembly (no date) which gives the Supreme Judicial Court power to move trial in crime of treason to insure a fair trial of person on trial. The act agrees that treason is acting under a 'pretended' constitution.

1844 MAY 7, DORR IS FOUND GUILTY OF HIGH TREASON

1844 DORR IS SENTENCED TO LIFE IMPRISONMENT AT HARD LABOR IN PRISON IN PROVIDENCE

The second item was a statement by Horatio Tracy, May 13, 1844, stating that between July and August of 1843, he talked with William Melville, who said that Dorr was guilty and "...ought to be hung...". Melville commented in February, 1844 , that the "...suffrage men ought to be hung and ...Dorr with the rest."

In 1845 the General Assembly releases Dorr with a pardon for his crimes against the State. Six years later, the Assembly gave back to Dorr his right to vote and other rights.

In 1854 Thomas Wilson Dorr dies at age 49 in Providence. Strangely enough, only a month before his death, the Assembly canceled out his conviction on the charge of high treason.

In 1849 the Supreme Court of the United States heard the case of LUTHER V. BORDEN. This case based upon Charter troops breaking into the house of Martin Luther in Warren was based on the charge of trespass. Luther had moved from Warren to Massachusetts so that the case had federal jurisdiction. The Dorr followers hoped that his case would move forward the case of popular sovereignty. The Court rejected the Dorrite arguments.

1845 ASSEMBLY WILL RELEASE DORR IF HE SIGNS OATH OF ALLEGIANCE TO RI CONSTITUTION AND GOVERNMENT. HE REFUSES

1845 JUNE 27, DORR RELEASED WITH ASSEMBLY PARDON OF "CERTAIN OFFENSES AGAINST...THE STATE."

1848 US SUPREME COURT RULES IN LUTHER V. BORDEN AGAINST POPULAR SOVEREIGNTY.

1851 ASSEMBLY RESTORED DORR'S RIGHT TO VOTE.

1854 DECEMBER 27, THOMAS WILSON DORR DIES IN PROVIDENCE

DECISION OF THE JURY:

STATE OF RHODE ISLAND V.
JOHN GORDON AND WILLIAM GORDON

"Gentlemen of the jury, how do you find John Gordon ?"
We find the defendant guilty."
"Gentlemen of the jury, as your foreman has said, so do you all say?"
"We do."
"Do you find William Gordon guilty?"
"Not guilty."
The verdicts were then recorded.

THE AFTERMATH:

In the Providence County Jail, at "9 1/2 AM" on February 12, 1845, the sheriff and a priest visit with John Gordon. John makes arrangements to have his body sent to Nicholas' home in Cranston. It will be buried from there. The sheriff helps him adjust the white cap and robe he must wear to the gallows."

A petition he had sent to the Governor, and supported by two members of the jury regarding his innocence, was denied.

At 11:15 John Gordon is dead. His last words were:

"I do forgive them...I forgive all my persecutors and enemies — I forgive them because they did not know what they were doing. I hope all good Christians will pray for me."

John Gordon was the last person in Rhode Island to be executed for the crime of murder.

THE DECISION OF THE JURY:

STATE OF RHODE ISLAND V. ROBERT CLINE

"What is your verdict?"
"We find the defendant guilty of murder in the first degree."
"Do you all agree to the verdict."
"We do, your Honor."
"The jury is dismissed with the thanks of the Court."

AFTERMATH:

Robert Cline was sentenced under General Laws of the State of Rhode Island to die by means of lethal gas at the Adult Correctional institution. He was remanded to the custody of Warden Mullins.

On behalf of Mr. Cline, however, the Public Defender's Office submitted a lengthy appeal to the Supreme Court of Rhode Island. The appeal was based on many parts of the indictment, the trial, the conviction and the sentence. The appeal included statements of problems on the following:

1. Forced confession;
2. Lack of access to counsel and waiving of Miranda rights;
3. Police failed to warn defendant of consequences of punishment;
4. Juror exposure to prejudicial comments in press;
5. Lack of proper jury instruction for murder;
6. Improper procedures in police line-up;
7. Joining of charges of escape and murder;
8. Opposition to capital punishment;
9. Definition of confinement.

On August 31, 1979, Justice Weisberger wrote the decision of the majority of justices of the Supreme Court. The Court ruled that the trial judge, Judge Gianninni, had acted properly in all matters of the trial. The justices noted how frequently Judge Gianninni had questioned jurors "...in order to...clarify replies to questions of counsel which they might not have understood. Replies which were not always clear..." They also commented upon the clear instructions he had given the jurors as they began their isolation to reach a verdict.

The Supreme Court, however, did question the sentence of death. They noted that the Judge has acted properly within the law. They said, however, that in recent years the Supreme Court of the United States had identified laws such as the Rhode Island law as providing "...cruel and inhuman punishment".

"In conclusion...we hold that the present death penalty proviso of 11-23-2 amounts to cruel and unusual punishment and thus violates the Eight Amendment to the United States Constitution...The conclusion which we have reached causes us to vacate the sentence of death imposed upon Robert Cline and remand his case to the Superior Court with a direction to impose upon him forthwith the lifetime sentence called for in 11-23-2."

THE DECISION OF THE COURT:

STATE OF RHODE ISLAND V. JOHN DOE

Judge Rodgers ruled that John Doe had indeed received an illegal substance, cocaine. He stated that Doe had received a sufficient amount of cocaine to be charged with possession with the intent to sell. His judgment was that the evidence and testimony presented by the State clearly established that John Doe was guilty as charged and was to be sentenced to a period of years at the Adult Correctional Institution.

John Doe was sentenced to prison for the number of years prescribed by Rhode Island law.

AFTERMATH:

Within a short time, the attorneys for the defense appealed the decision of the court to the Rhode Island Supreme Court. The appeal was based on the need for a warrant to conduct a search of the package and that the possession of 34.5 grams of 75% pure cocaine was not sufficient to support conviction for possession with intent to deliver or sell.

On June 10, 1983, the Supreme Court gave its decision. The Opinion was written by Justice Joseph Weisberger. He, in a lengthy opinion, discussed the appeal and the trial. He identified several points about the search and test of the cocaine which should not have been allowed to stand in court. He stated, however, that:

"A trial justice's decision in a non jury civil or criminal trial is entitled to great weight; it will not be disturbed on appeal unless the record indicates that the trial justice misconceived or overlooked material evidence, or was other wise clearly wrong."

Justice Weisberger required that the "...trial justice must reconsider defendant's motion to suppress the cocaine from introduction into evidence...". In addition, he stated that the trial judge was incorrect in accepting the idea that the amount of cocaine was sufficient to sell. He pointed out thatAgent Scovel's testimony did not support this idea.

Finally, Justice Weisberger ruled that "...the trial justice must...enter a judgment of conviction for possession of a controlled substance and re-sentence the defendant accordingly..." If that is done, the trial justice must then dismiss the charges because then there would be no evidence to support them.

The subsequent hearing brought a dropping of the charges and an expunging of the record. This case no longer exists in the files of the Judicial Archives.

(**NOTE:** *Because of the record of this case being expunged and the defendant's record cleaned, the names of the defendant and his attorneys have been changed or omitted. The names of the DEA Agents and the Judge have been retained.*)

ADDITIONAL QUESTIONS:

ROGER WILLIAMS ET AL V. JOSHUA VERIN

1. Roger Williams spoke and wrote frequently encouraging others to respect the religious beliefs of all men. Did he practice what he preached?

2. If Williams took money from Governor Winthrop, should he have been involved in judging Joshua Verin?

3. If Verin beat his wife, why was he not charged with wife abuse or assault and battery?

4. Should Mrs. Verin have been allowed to speak for herself?

5. Can a person be put out of a church congregation today? Is putting a person out against the law?

ADDITIONAL QUESTIONS:

ELEANOR ELDRIDGE V. SHERIFF OF PROVIDENCE

1. If Eleanor were a man - black or white- would the situation have been different?
   Would she have had to spend do much time in court?
   Would her property have been taken in the first place?

2. Could the same situation happen today? If a person is reported dead, can the State of Rhode Island or the city or town take his property immediately and sell it?

3. Should Eleanor have represented her brother?
   Should she have paid an attorney to represent him in court?
   There are a number of cases on the records of the courts involving Eleanor from 1834 to 1839. At no time did she employ a lawyer to represent her. She won cases and she lost cases. Should she ever have hired a lawyer to represent her?

4. Should the full name of the persons involved in Eleanor's cases have been in the stories of her life? Why were first letters and lines used in place of the full name? (Of course, complete names appeared in court documents.)

5. Since Eleanor was able to earn money with her skills, shouldn't she have just bought another house instead of trying to win back the one at #22 Spring Street in court?

6. Eleanor sued the Sheriff, but not the City of Providence. Could or would you sue the Chief of Police, but not the city or town where you live? Why?

ADDITIONAL QUESTIONS:

STATE OF RHODE ISLAND V. THOMAS WILSON DORR

1. Mr. Hazard said to his associate: "Abuse these Dorrites as much as you please..." Was that a fair statement by an officer of the court, an attorney?

2. The court told the jury to return a verdict of guilty, if they believed the testimony of any two witnesses. Is this a fair and reasonable instruction to the jury?

3. Dorr served as Chairman of Providence School Committee, Treasurer of the Rhode Island Historical Society, and was elected to the House of Representatives. Should these achievements have been in his favor at the trial? Were they?

4. State troops fired into a group of Dorrites at the bridge over the Blackstone River. The Dorrites were on the other side of the bridge. Alexander Kelby was killed. Who was responsible for his death? Dorr? Governor King?

5. Dorr was imprisoned and held without bail for the entire winter. Was that reasonable?

6. Dorr said that "a trial was a ceremony leading to a conviction." Was he right? Is every trial just a "ceremony leading to a conviction" ?

ADDITIONAL QUESTIONS:

STATE OF RHODE ISLAND V. JOHN GORDON AND WILLIAM GORDON

1. By court order, no news reports could be written about the Gordon case until it was over. Should the public be denied knowledge about a trial in progress?

2. John Gordon was in part convicted because he was an Irishman. Irish were just coming into the country in large numbers and were viewed as suspicious. Should race or ethnic group enter into any part of a trial? What if a person's race or poverty or ethnic group, if mentioned, might be helpful to the decision of the court?

3. Would John Gordon be found guilty today? What parts of modern criminal investigation might have helped to prove him innocent or guilty?

4. Shouldn't his brother William have been put to death also, according to the testimony of the witnesses?

5. There were 105 witnesses at this trial. Should the number of witnesses have been kept to a smaller group? How many witnesses have testified in recent serious crime cases in Rhode Island?

ADDITIONAL QUESTIONS:

STATE OF RHODE ISLAND V. ROBERT CLINE

1. Example of **VOIR DIRE** IN selection of a jury:

JUROR NUMBER 4

Q: Do you have an opinion...as to whether you favor or oppose the death penalty?
A: I don't approve of it, no.
Q: Can you tell us why you don't approve of the death penalty?
A: Because when you come right down to it, once you put somebody to death, you've committed the same crime he has.
Q: Would you feel that you would be responsible for the imposition of the death penalty if you found the defendant guilty?
A: Perhaps in a way.

If you were prosecutor, would you want this juror?
If you were public defender, would you want this juror?
This juror was asked additional questions and was acceptable to the attorneys.

Why?

2. CLINE was not at the ACI when the crime was committed. He had escaped. The law was that a person confined to the ACI and committed murder would be put to death. Should CLINE be punished by that law?

3. When arrested, Robert Cline said to the police, "I am Robert Cline and I am not a bad man." Do you agree?

4. The robber with Cline was tried separately. Should they have been tried together? Should both men have been given the death penalty?

7. COPY OF CLINE'S **MIRANDA STATEMENT:**
4/4/74 SGT. MCCARTHY/DET. KEUNE PRESENT

I, Robert Cline, having been informed that I am a suspect in the crime of murder, voluntarily, without threats or promises on the part of the police, make the following statements to members of the Providence Police Department, after having first been advised that:

1. I do not have to give a statement;
2. I do not want an attorney called or appointed for me at this time.

ROBERT CLINE
Signature

What does this part of Cline's statement say? Could he have an attorney if he wanted one? Should he have been given this statement after he admitted "...drinking and smoking marijuana..."?

8. Considering the charges against him and the death penalty involved, should the police have brought in a lawyer even without Cline's permission?

(NOTE: RE MIRANDA STATEMENT AND APPEAL BY DEFENDANT: "...appeal is denied and dismissed ... no evidence that force was used by police to obtain statement...")

ADDITIONAL QUESTIONS:

STATE OF RHODE ISLAND V. JOHN DOE

1. Should the record of a person who has committed a crime, but found 'not guilty' on a technicality, be cleared?

2. Should an agent of a delivery company, an airport or a taxi company be able to search a suspicious package? What about one that ticks?

3. Compare this case to the Billy Greenwood Case.

4. Should a person be allowed to possess any amount of cocaine or heroin for personal use? For medical use? What about marijuana for victims of cancer?

5. If you were the prosecutor and Agent Scovel, how would you have asked and answered the questions to make a stronger case against John Doe?

6. The defendant argued that there was nothing to support the claim that the package was dangerous or that it would be destroyed or disappear. Therefore, there was no reason to search it. Do you agree?

GENERAL QUESTIONS

1. A Black man, a Black woman, an Irishman — can any minority person have a fair trial? What does the RI Court do to ensure that each person is treated fairly?

2. Should any jury have a majority of people as jurors who are the same race or ethnic group or income group as the defendant?

3. Is the death penalty by lethal gas "...cruel and inhuman punishment..."? Is there any death penalty which is not cruel and inhuman?

4. Every person has access to a lawyer. If a person cannot afford a lawyer, one will be appointed for him by the court. If the public defender is very busy with several cases at one time, can the defendant receive good counsel and a fair trial?

5. During the trial of the Chicago Six, Judge Hoffman had Bobby Seale bound and gagged in the courtroom. The judge had warned Seale about yelling out in the court. Seale continued to challenge the court. For the first time in a major American trial, the defendant was not able to speak. Should a defendant ever be bound and gagged in a courtroom? Discuss.

6. "The courts are not perfect and will stop changing when they are". How can courts, which are not " perfect", try people for crimes, when the penalty could be life imprisonment? Discuss.

7. During the Civil War, the right of **HABEAS CORPUS** (the need for a search warrant and/or an arrest warrant) was done away with. The government could arrest a person at will. Should the requirement for warrants for search and arrest ever be done away with?

8. Knowing the history of the law helps us to know what the law is. Should a study of law and the courts be required of all citizens? Why?

9. Is it ever acceptable for teenagers to be tried as adults?

10. A judge or jury is to come to a decision without bias or prejudice. Is that possible? Should justice really be blind? Discuss.

11. Should the General Assembly and/or the Governor evaluate decisions of the Court in important/capital cases? Why?

12. Should there be a death penalty for murder or any crime in Rhode Island? Why?

13. Should citizenship be required for a person to serve on a jury? Why?
What other qualifications should there be? Why?

14. Jurors receive a small amount of money for their service. If jury service is a duty of every citizen, should the citizen be paid?

15. VOIR DIRE takes a lot of time in every criminal trial. Should lawyers be required to take the jurors as they are seated and not be able to dismiss a juror for any reason? This would save much time in trials.

16. The Rhode Island Supreme Court *(State v. Smith)* said that in an appeal it gives great weight to the findings of fact by the trial judge. Is this fair to the plaintiff and/or defendant?

17. "Newspaper and television publicity surrounding a trial represent the most common threats to the integrity of the proceedings." *(Palmisgiano v. RI.)*
Should media coverage of trials be limited, while the trial is going on?
Should television cameras ever be allowed in a courtroom?

18. Originally, juries were made up of a person's neighbors. They would know the person well. Juries today are from all over the county. They probably don't even know the defendant. Which system would provide justice for the plaintiff and the defendant?

19. Justice Durfee stated: "There is a tendency to isolate the judge and treat him as a sort of dedicated functionary, severely set apart from his judicial duties. This tendency may easily lead to excesses."
Are judges set apart from the rest of society?
Should they be? Discuss.

RELATED ACTIVITIES:

1. Report on the jury selection system in Rhode Island.

2. Develop mock trials for Joshua Verin, John Gordon,and others.

3. Develop a mock trial for Joshua Verin suing Roger Williams for harassment.

4. Develop a mock trial charging William Gordon for the murder of Amansa Sprague.

5. Draw and/or mold models of prison cells of the 18th, 19th, and 20th centuries.

6. Draw and/or build models of court rooms of the 18th, 19th, and 20th centuries.

7. Draw and/or build a model of a prison cell of the 21st century.

8. Using VOIR DIRE, select a jury for a trial in this book. Decide what sort of persons you want on the jury. You may be either prosecutor or defense counsel. Select your questions carefully.

9. Write descriptions of the responsibilities of various personnel in a court room.

10. List reasons for doing away with the death penalty. Survey parents, teachers and other students on having or not having the death penalty for murder and/or other crimes. Report your results to your class.

11. Interview a judge about rules for sentencing in Rhode Island.

12. Interview court personnel about their jobs and responsibilities.

13. Watch one or more of these movies about trials and report to your class.

    TWELVE ANGRY MEN
    TO KILL A MOCKINGBIRD
    GIDEON'S TRUMPET

14. Read the books on which these movies are based and report to your class.

22

15. In this book there are several time lines about the courts, law and law enforcement. Develop your own time line about the Rhode Island Judicial System or some part of the law or law enforcement. What about the police department in your community? What is its history? When was it first organized?

16. Cases from Rhode Island courts have been appealed to the US Supreme Court. Follow a case from RI to Washington. Report to the class on the case the decision of the Supreme Court. Some Rhode Island cases have had an effect on law decisions around the country.

17. Although the house of Roger Williams is gone (as is the house of Eleanor Eldridge), some buildings mentioned in this book remain. Visit one of these buildings and report to your class about the building today. For example, the Superior Court building in Providence and the Anthony House on Atwells Avenue in Providence still stand. The Colony House in Newport would remind us of the court houses of the 1840's, as would the Old State House on Benefit Street.
The latter has an early courtroom restored. The Narragansett Long House in Charlestown will bring to mind the heritage of Eleanor Eldridge.

18. Go to the State House and view the Charter of 1663 and the Constitution of 1842.

19. Research newspapers of the years of some of these cases and report to class about the feelings of the time. For example, on January 7 and 13, 1843, the Providence Journal published the DORRAID by Henry B. Anthony. Anthony called Dorr's militia "the Invincibles...Harmonious Reptiles, Pascoag Ripguts, Johnston Savages", because "they ran from the Kentish Guards, the National Cadets, the Marines, and the State Infantry..."

20. Was the Algerine Law fair? Could such a law exist today? Does one?

21. Find these words in the following sentences:

court **legal** **case** **law** **justice** **judge** **search** **bench**

Mr. **Cour** talked about the case.
My **leg al**most hit the desk.
I said, "**Jud, g**et the book, please."
Is Roc **a se**nator?
Is Will **a w**inner?
Sam used **just ice** in his soda.
Tom's **ear ch**anged color
Mr. Yo **Ben ch**ose the diamond for his wife.

22. Describe and discuss the different kinds of courts in which these cases were tried.

23. Develop word searches on courts, law and enforcement.

24. Develop a game of Jeopardy on criminal courts.

25. Stephen Hopkins was Chief Judge of Superior Court of Judicature, then Governor, and finally Judge again. Discuss.

26. Make the closing argument to the jury as the defense or prosecuting attorney for each of the defendants in #12.

27. Develop mock trials for one of the following charges:

Little Bo Peep charged with loss of valuable property.
Cousin Vinnie for murdering the English language.
Jack (of beanstalk fame) charged with theft of golden goose.
The spider is charged with assaulting little Miss Muffet.
Ice T with conspiracy to murder a police man.
Farmer's wife charged with abusing animals.
Hansel and Gretel charged with murdering the witch.

28. In 1729, the General Assembly chose "...four judicious and skillful persons...to be judges in the court". Why did these persons have to be skillful? What kinds of skills must a judge have?

29. What if you could say anything you wanted in RI, but if you moved to Massachusetts or Connecticut, you could be arrested for saying what you thought? Discuss.

30. If only native born men could vote, only the Pequots, Niantics, Narragansetts and other tribal men could vote. Discuss.

31. What are the qualifications to vote in Rhode Island now? Contrast the current voting registration laws to those of Dorr's time.

32. What if you were charged with making an obscene phone call? You did not make the call. What would you do to defend yourself? (Read IN RE GAULT). What steps would you follow?

33. Caroline Williams described Thomas Wilson Dorr as a true patriot. A man who had the qualities of those who fought in the Revolutionary War. Was she accurate? Was Dorr such a man?

34. Write newspaper activities about each of the trials here.

35. Draw wanted posters or write advertisements for Thomas Dorr and/or the murderers of Amansa Sprague.

36. Draw political cartoons about Dorr and/or Governor King and/or Judge Durfee.

37. The Federal Sentencing Guidelines (800 pages) by the US Sentencing Commission attempts to calculate a criminal's debt to society in a "cool, calculated, mathematical way". Degrees of seriousness for the crime, criminal history and other factors all have number values. (Crime level — 1(most harmless) to 43 (most serious)). Numbers are put on worksheets, then tabulated to administer the sentence. Discuss.

38. In the Snowtown/Olney Lane Riots of 1831, the Riot Act was read by the Sheriff Marshall. Research the meaning of the term and tell how it was used in this riot and at the theater on Meeting Street when the town fathers didn't like a particular performance.

39. Role play a figure from one of these plays to express his/her point of view: Job Durfee, Dorr, Mrs. Verin, etc.

LESSON STRATEGIES

LESSON STRATEGY 1: POLICE REVIEW BOARD

(Courtesy of the Constitutional Rights Foundation)

1. Form four study groups and a fifth group to play the role of your community's city or town council.

2. The study groups should each design a police review board to propose to the council. In designing a review board, each study group should review recent happenings in the country involving police abusing and allegedly abusing citizens. Study groups might also interview police officers, city officials, community group leaders, lawyers, and ordinary citizens. Each police review board proposal should address the following questions:

   a. Who will make up the membership of the review board? Who will appoint or elect them?
   b. What types of complaints will the review board be authorized to investigate?
   c. Where will citizens go to make complaints against the police?
   d. Will police or independent detectives investigate citizen complaints against the police?
   e. Will hearings be public or private?
   f. Will the board have the authority to recommend disciplinary action for police who have done wrong?

3. Each study group should present its proposal for a police review board to the city/town council. Council members should quiz each group on the reasons for its review board design.

4. Finally, the council should vote to decide which police review board proposal should be adopted in your community.

LESSON STRATEGY 2: EVALUATE LAWS

(courtesy of the National Institute for Citizen Education in the Law (NICEL))

A commission is established to evaluate laws. You are a member. Consider the following acts and in each case, decide whether the act should be treated as a crime. Rank the acts from most serious to least serious. Give reasons for your decisions.

a. Robert pushes crack cocaine and used the money to support his mom, who is ill.
b. Lola pickpockets a person's wallet containing $50.
c. Dorf is a used car dealer who turns back the mileage on cars he sells.
d. Samantha is caught with a pound of marijuana.
e. Toby robs a candy store. He points a gun at the owner.
f. Rod brings a pellet gun to school to show it to his pals.
g. Ellen leaves a store with change for $10 after she realizes that she gave the cashier a $5 bill.
h. Lilly approaches a man for purposes of prostitution.
i. Ming refuses to wear a helmet while riding a motorcycle.
j. Joy refuses to put her baby into a child's seat in a car.
k. A company pollutes the Seekonk River with waste from its finishing department.
l. Marge gets drunk and hits a child while speeding through a school zone.
m. Burt observes his best friend shoplifting but does not turn him in.

LESSON STRATEGY 3 : COULD IT HAPPEN TO YOU?

(Courtesy of NICEL)

Gerald Gault, age 15, was taken into custody and accused of making an obscene phone call to a neighbor. At the time Gerald was taken into custody, his parents were at work, and the police did not notify them of what had happened to their son. Gerald was placed in a detention center. When his parents finally learned that he was in custody, they were told that there would be a hearing on the next day, but they were not told the nature of the complaint against him.

Mrs. Cook, the woman who had complained about the phone call, did not show up at the hearing. Instead, a police officer testified to what he had been told by Mrs. Cook. Gerald blamed the call on a friend and denied making the obscene remarks. No lawyers were present, and no record was made of what was said at the hearing.

Since juries were not allowed in juvenile court, the hearing was held before a judge, who found by most of the evidence that Gerald was delinquent and ordered him sent to the state training school until age 21. An adult found guilty of the same crime could have been sent to county jail for no longer than 60 days.

A. Review and make clear the facts in the case.

B. Have the students divide a paper into two columns, labeled "fair" and "unfair"; then have them list the things that happened to Gerry. When lists are completed, make two columns on the board labeled "fair" and "unfair". Call on students to contribute their ideas as to fairness or unfairness of the happenings.

C. Discuss the students' fair and unfair list.
Why did they list the items as they did?

D. Discuss due process of law with the students.

E. Compare the unfair list to the rights now given juveniles based on this case.

F. The US Supreme Court ruled that juveniles have the following rights:
   1. Right to notice of charges far enough in advance of hearings to be able to prepare their cases;
   2. Right to a lawyer and, if unable to afford one, the court must appoint a lawyer to represent them.
   3. Right to confront and cross-examine accusers and witnesses.
   4. Privilege against self-incrimination, that is the right to remain silent because what they may say may be used against them.
   DISCUSS THESE RIGHTS AND PROCEDURES.

G. After discussion, ask students these questions:

1. Would the way the police used to take Gerry Gault into custody and notify his parents be legal today? Why?
2. What information do the police or the court have to give Gerry's mom? Could the hearing be set for the next day?
3. Who else would be present at Gerry's hearing today?
4. Would Gerry have to tell the court anything he said or did regarding the phone call?

H. Using "YOUR COURT", or another book about the Rhode Island juvenile court system, trace with the students Gerry's progress through the juvenile court following his arrest.

I. Ask these follow up questions on the juvenile court system:

1. What are the options for a juvenile's placement after he is interviewed by an intake person?
2. Why would a juvenile be placed in a detention center?
3. What takes place as the first hearing?
4. What takes place at the adjudicatory hearing?
5. What rights does the juvenile have during his hearing?
6. What are the judge's options in sentencing of delinquent juveniles?

TIMELINE

DO YOU KNOW YOUR JUDICIAL HISTORY?

1638 Citizens of Portsmouth ordered stocks and pillory built.

1638 Roger Williams was listed as a judge in the Province of Providence.

1638 First prison in RI was 12' x 12' 10'.

1644 Roger Williams in THE BLOODY TENET OF PERSECUTION proposed religious freedom and separation of church and state.

1644 Parliamentary Patent gave Providence, Portsmouth and Newport sanction to separate church and state.

1663 Royal Charter of RI guaranteed complete religious liberty.

1700 One court in Providence was a tavern with the tavern keeper as judge.

1746 Legislature chooses judges annually in each county.

1776 Stephen Hopkins was Governor and also Justice of Supreme Court.

1778 Legislature passed enlistment law which gave freedom to all slaves who enlisted in the Black Regiment.

1778 There was a courthouse in Little Rest, now Kingston.

1784 Emancipation Act gave freedom to all children born of slave mothers after March 1, 1784.

1787 Northwest Ordinance - Governor and judges made the laws in early stage of development.

1787 Northwest Ordinance (art. 6). There shall be neither slavery nor involuntary servitude in the territory...except for punishment for crime for which person is duly convicted.

1789 John Jay was first Chief Justice of Supreme Court.

1790 RI proposed amendments to US Constitution (#6) which included free and frequent elections.

1790 RI proposed amendment to US Constitution included trial by jury chosen from YOUR NEIGHBORHOOD.

1790 RI was last of original thirteen colonies to ratify Constitution.

1790 RI's amendment to Constitution included opposition to slavery — Congress would ban all importation of slaves.

1812 Bullet holes in columns of Supreme Court Building are from British muskets.

DO YOU KNOW YOUR JUDICIAL HISTORY? (continued)

1831 RI once owned land from Wrentham, Massachusetts to Pomfret, Connecticut.

1842 RI had two governors - T.W. Dorr and Samuel Ward King.

1843 RI Constitution (Art. 1, Sec. 4) banned slavery.

1856 Until this year the General Assembly could change any judgment of court. TAYLOR V. PLACE.

1857 William Howard Taft became Supreme Court Justice after he left Presidency.

1960 William O. Douglas wrote both majority and minority opinions of same case.

1961 Estelle Griswold (New Haven, CT.) arrested for giving contraceptives to adults who requested them.

1980 Senator Gerald Ford tried to have Justice Douglas impeached.

1980 Alton Wiley became the first lack Judge in RI

1981 Sandra Day O'Connor was named first female justice of Supreme Court.

1983 A Juvenile in Family Court is NOT considered a criminal.

1983 Florence Murray is first female justice in RI Supreme Court.

1993 Each session of US Supreme Court opens with "OYEZ, OYEZ, OYEZ. GOD SAVE THE UNITED STATES AND THIS HONORABLE COURT."

TIMELINE

DO YOU KNOW THE HISTORY OF THE PROVIDENCE POLICE?

1651 Hugh Bewith is town sergeant in Providence.

1753 Prison (Keep) on land adjoining cove.

1775 May, Night Watch of Four Men Established.

1797 Night watch increased to twelve men.

1824 Watchmen Samuel Allen did not interfere in Hard Scrabble riot.

1831 September 24, Riot Act read in Olney Riot - military fires into mob.

1831 Town Council President is High Marshall.

1832 Providence incorporated as a city.

1832 Police centralized in first city charter. Has eight constables for day work and for night watch.

1833 Avery Allen, shoemaker by day, is made Captain of the night watch for liquor control and sidewalk ordinance.

1845 Mayor given power to suspend watch for sitting or sleeping on the job.

1846 Watch has thirty three men.

1851 Mayor Burgess requests and receives constant police service. Service is twenty four hours each day.

1852 May 18, quieting four revelers, Officer William Pullen is clubbed to death. Murderer never captured. City council arms police with revolvers.

1853 Police Department may be disciplined by Mayor Walter Danforth for sitting or sleeping on duty. Duties are outlined for the 46 watchmen.

1855 New Chief Marshall William Hudson comments on police effectiveness, in spite of inexperience.

1864 Mayor Thomas Doyle increases force to 88 patrolmen and a chief. City ordinance provides uniform for officers.

TIMELINE

DO YOU KNOW THE HISTORY OF YOUR STATE POLICE?

1886 General Assembly - "Act or Suppression of Intemperance Sheriffs, ...Their Deputies, and ... town Sergeants, Constables and Chiefs of Police ... shall constitute the State Police...To see that the laws of the state are observed and enforced..." Chief Brayton - May 26, 1886. No office in State House.

1887 Deputy Sheriff William J. Meegin deputized a State Police Officer to serve Seizure Warrants in Burrillville.

1925 Acts and Resolves of RI — "There shall be a department of State Police consisting of a Superintendent ...", January.

1925 April 9, Governor Aram Pothier nominated Everitte St. John Chaffee as Colonel and First Superintendent.

1925 First Headquarters at Marine Corps Armory on Benefit Street. Superintendent Office in State House - Never Used.

1925 First gun used was the Colt .45 - for it "Spoke with voice of authority..."

1925 Department will do without men "until the right type of absolutely dependable applicants is obtained..."

1925 Cap ornament introduced "in the service of the state."

1925 May 11, First Training class began.

1925 June 27, First Motorcycle patrol began. Mounted police stabled at North Scituate Barracks. Bareback riding is part of training for all troopers.

1926 June 12, Entire force moved to South Kingstown barracks.

1930 State Police help to put down prison riot by members of Phoenix Gang ...Riot guns and tear gas end riot.

1930 Assembly Law - Police control of the seas — Patrol boat with 3 man crew, crew (Commodore); off, Newport battle with crews of 'Little Fred' and 'Nomad' — all crews arrested.

1934 Governor T.F. Green appoints Edward J. Kelly, Chief of Providence Police, as Superintendent.

1935 July 25, First use of Department's Teletype System — Ready 24 hours a day; Contact established along all barracks - Lincoln, Scituate, Esmond, Portsmouth, Hope Valley, Wickford.

1936 Dept. purchased Coggeshall Mansion on Danielson Pike in N. Scituate.

1959 July, Detective Bureau established.

1970 Mobile Crime Laboratory put on the road at request of local police departments.

TIMELINE

DO YOU KNOW THE HISTORY OF PUNISHMENT FOR CRIMES IN RI?

1638 Pillory and Stocks ordered for Portsmouth.

1639 First prison in Portsmouth 12' x 12' x 10'.

1647 Colony code included death penalty for high treason, murder, burglary, arson and rape.

? Thief of watch in Providence sentenced to be severely whipped and fined. Fine not paid, to be sold as servant for 7 years.

1685 Providence orders John Dexter to build stocks.

1687 A married woman was transported from colony for a felony. Child taken, to be cared for by colony.

1781 Article of Confederation do not contain any reference to crime or punishment - states make own laws.

1787 Northwest Ordinance - "No cruel or unusual punishment ...Article II"

1791 Eighth Amendment - "...No unusual punishment..."

1840 Caroline Williams (Providence), protest to US Navy about flogging/whip ping with cat o' nine tails of sailors. Navy ends flogging as punishment or as an "aid to recruitment".

1842 Charles Dickens visits American Prisons - condemns solitary confinement as "...immensely worse than any torture of the body..."

1844 John Gordon is last man hanged for murder in Rhode Island. He was condemned to death for the murder of Amansa Sprague.

1852 All Capital punishment abolished in RI. Life imprisonment only.

1956 General Laws include death by hanging for any prisoner in ACI for life who murders a person.

1956 June 26, RI Law changed to: Every person who shall commit murder while committed to imprisonment at ACI of state Reformatory shall be punishedby death — inflicted by administration of lethal gas. (To protect prison guards).

TIMELINE

DO YOU KNOW THE HISTORY OF SLAVERY LAWS IN RHODE ISLAND?

1676 All Indians are considered slaves by law.

1767 Man is responsible for slave after he frees them.

1773 Moses Brown freed all of his slaves by deed.

1774 General Assembly prohibited importing slaves into colony of RI

1775 Slaves in RI's Black Regiment offered freedom for their military service.

1784 Law for gradual abolition of slavery. All Children of slave parents to be free after March 1, 1784.

1790 George Washington's letter to Touro Synagogue which stated that the government like Touro Synagogue gave ...bigotry no sanction..."

1790 Moses Brown Charges brother John Brown with slavery. John found guilty. Given small fine.

1821 First Black Church, African Union Meeting House Founded. School founded in 1822.

1822 State law ended right of blacks to vote and to have liquor licenses.

1824 Hardscrabble riots — Houses in the town were attacked by white criminals. Several people hurt; homes burned.

1831 Olney's Lane, or Snowtown, riots. Sailors attacked residents. Several persons hurt. Riot Act read by Sheriff. Militia brought into Providence fires into mob.

1834 Town of Exeter v. Town of Warwick (citing law of 1767) - though a man emancipates a slave, he is still liable for the support of such slave when slave becomes a pauper.

1834 Town of Exeter v. Town of Warwick - daughter of a man alleged to be a slave was freedman, as were all persons born after March 1, 1784.

1843 People's Constitution was for white males, Negro excluded. Alexander Cromwell and others protested.

1843 Rhode Island Constitution (Art. 1, Sec. 4) bans all slavery.

1843 RI Constitutional Convention gives vote to Blacks.

1845 1481 Blacks in Providence with average of $4000 in property.

1883 Autobiography of Rev. William Brown, which tells about life of RI Blacks in early 1800's.

1927 Thousands attend KKK meeting in Georgiaville.

1928 KKK uses recruitment forms of RI Light Infantry in Recruiting. Citizens are angered.

TIMELINE

DO YOU KNOW ABOUT RI DECISIONS REGARDING SEARCH AND SEIZURE?

1850 Humes v. Taber — warrant to search dwelling house of a person authorizes search only in ...home in which person lives.

1861 Second Universalist Society v. Cooke — ...religious society provided that pewholders shall have power to assess a tax, not exceeding 10% per year, is legal.

1862 Gift of lands to use of certain religious society is not merely to society existing, but to those that follow...

1888 State v. Fitzpatrick — providing for seizure and forfeiture of liquor. Unlawfully kept for sale is not repugnant to the Constitution.

1889 In Re Horgan's Liquors — Law does not require the complaint to have a definitive description of area to be searched ...but does require warrant to have it.

1893 In Re: Van Horne — When house was devised to be a parsonage ... , General Assembly may authorize church to convey promises by good deed.

1909 State v. Armento —Public Laws authorizing examiners to enter barber shops during business hours to inspect various instruments and ... ascertain sanitary conditions...are not in violation with the Constitution.

1912 General Six Principle Baptist Conference of RI v. Bennett — Court, under law of January 1910, has no jurisdiction over a church..extinct before 1895.

1915 Martin v. St. Aloysius Church — Church , whose treasurer, the priest, for years exceeded his authority, borrowing money from plaintiff and giving notes of promise is held liable to plaintiff.

1916 State v. Lorenzo - search of chiropractor's office and seizure of certain implements...in chiropractor's presence and without obligation by him...search and seizure was not illegal.

1923 Ebeneezer Baptist Church of Providence . Thompson — Fundamental right of a Baptist Church is its absolute right to select its own pastor.

1925 State v. Chester — officers during search of saloon saw a bottle of liquor in defendant's pocket, which defendant admitted was his and contained liquor...and which was contraband...defendant's arrest and seizure is held legal.

1948 State v. Cairo — "only a person who can claim his constitutional rights have been invaded is one who claims unlawful search and seizure...on premises occupied by him."

1948 State v. Ciro —search of cellar used freely by defendant and his wife and another family in the house with wife's voluntary content was not illegal, unlawful or unreasonable.

1948 State v. Cairo — admission of evidence alleged to have been obtained by police during ... search of cellar in house owned jointly by defendant and his wife with wife's voluntary consent involved no violation of Constitutional right.

RYDER'S HISTORICAL TRACTS — GLEANINGS FROM JUDICIAL HISTORY OF RI—

THOMAS DURFEE 1883

Page 47 "There is a tendency to isolate the judge and treat him as sort of dedicated functionary, severely set apart for his judicial duties. This tendency may easily go to extremes."

Page 154 "Our ancestors perceiving that the judiciary was a vital part of their system of government, acted on the principle that ... (it be) amended from time to time as its defects come to light or some needs (require) new appliances."

1647 Rebellion of any inferior against a superior, as a servant to threaten a master ...imprisonment in house of correction, not to exceed twelve months.

CRIME	PUNISHMENT
MURDER	Death with loss of goods and chattels and land to king for a year and a day.
FORCIBLE ENTRY	Imprisonment
THEFT	to be 'well whipped' for first offenders; for second —two months in house of correction and twice whipped.
USING OF FALSE WEIGHTS AND MEASURES	5 to 20 shillings for third offense —'set in pillory'.
PERJURY	never hold office or be witness; non-payment by convict — set in pillory and have ears nailed thereto.
DUELING OR CHALLENGING TO DUEL	sit 'one hour on gallows' or imprisonment or both.

REMINISCENCES OF THE RHODE ISLAND BAR ASSOCIATION
ABRAHAM PAYNE 1885

page 58 "...a man excused from jury duty when summoned, he loses opportunities of getting much instruction... and exposes himself to the ...making much foolish criticism of judicial proceedings..."

page 36 Mr. Hazard said to his associate: "Abuse these Dorrites as much as you please..."

page 37 LUTHER V. BORDEN, Mr. Whipple, counsel for state. "Gentlemen of the jury: I had intended to present to you my views of this case, but the judge (Story) wants to leave by the next train, ...he wishes me to be brief...and he will take care of the cause of the State. I shall, therefore, be brief." He was brief.

page 273 Opinion of the Nine Lawyers
"... of the majority, make such change in the fundamental law of the state as might then seem proper, and that without any authority derived from the existing government of the State."

RESOURCES AND OTHER HELPFUL ITEMS/ PLACES

TITLE	AUTHOR(S)
Lessons on The Constitution	John Patrick.
Lessons on The Northwest Ordinance	John Patrick.
History of Rhode Island	William McLoughlin.
History of Criminal Law in Rhode Island	William Staples.
Gleanings From Rhode Island Judicial History	Thomas Durfee.
Street Law	Arbetman, O'Brien, McMahon.
Early History of Rhode Island	Rogers, Carpenter, Field.
Reminiscences of Rhode Island Bar Association	Abraham Payne.
The Amateurs	Everitte St. John Chaffee.
In Service of the State	Sydney Ryder.
Eleanor Eldridge, Her Memoirs	E. Eldridge, C. W. MacDougald.
Elleanor's Second Book	E. Eldridge, C. W. MacDougald.

PLACES

Law Library
Hill Street
250 BenefitStreet
Providence, RhodeIsland

Judicial Archives
Superior Court Building
Pawtucket, Rhode Island

Rhode Island Historical Society Library
121 Hope Street
Providence, RhodeIsland

Graphics Department
Rhode Island Historical Society Library
121 Hope Street
Providence, RhodeIsland